

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Criminal No. 1:07-CR-0060 (3)
Plaintiff,	:	
	:	
v.	:	Judge Sandra S. Beckwith
	:	
PAUL H. VOLKMAN,	:	
Defendant.	:	

DEFENDANT’S MOTION FOR LEAVE TO OBTAIN SEALED
STATEMENT OF REASONS FOR SENTENCING

NOW COMES Defendant Paul H. Volkman, by and through his appointed appellate counsel of record, Stephen B. Shankman, Federal Public Defender, and moves this Court for leave to obtain the Court’s sealed statement of reasons for sentencing. As grounds for this motion, Defendant states as follows:

1. The sentencing in this case was held February 14, 2012. (R-476, Sentencing Hr’g Tr., at 8207.¹)

2. During the sentencing hearing, the Honorable Judge Sandra Beckwith stated:

I will mention that all of my rulings and my reasons for imposing the sentence which I ultimately impose will be contained in the Statement of Reasons, which will be appended to the judgment Sentencing Order and filed under seal and available to the Court of Appeals for review as appropriate.

Id. at 8270.

3. In response to this statement, Defendant asked how he could obtain a copy of the Statement of Reasons. Id. Judge Beckwith replied: “ You will receive a copy eventually either

¹ In keeping with the Sixth Circuit’s recently amended local rules, page citations are to the page ID#, electronically file-stamped at the top right of the e-transcript. See 6th Cir. R. 28(a)(1).

by request to the Court of Appeals or through your attorney on the appeal.” Id.

4. The undersigned counsel has been appointed by the Sixth Circuit to represent Defendant on appeal. As part of his thorough review of the record for appeal, appellate counsel noted the exchange above in the sentencing hearing transcript. Because Defendant requested a copy of the sealed Statement of Reasons, and the district court stated that it could be had, undersigned counsel believes that due diligence requires review of the Statement of Reasons as part of the record on appeal.

WHEREFORE Defendant respectfully requests this Court grant leave for his appellate counsel to obtain the Statement of Reasons for review, as discussed during sentencing.

Respectfully submitted,

/s/ Stephen B. Shankman

Stephen B. Shankman
Federal Defender for the Western
District of Tennessee
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Memphis, Tennessee 38103
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CERTIFICATE OF SERVICE

I, Stephen B. Shankman, certify that a true copy of Defendant's Motion for Leave to Obtain Sealed Statement of Reasons for Sentencing has been forwarded by electronic means via the Court's electronic filing system to:

Timothy D. Oakley, Adam L. Wright, and appellate counsel, Christopher K. Barnes
United States Attorney's Office
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202

this, the 6th day of September, 2012.

/s/ Stephen B. Shankman
Stephen B. Shankman
Federal Defender for the Western
District of Tennessee